

Byron Raymond White (1917–2002)

One of the Greatest

BY CHARLES B. WHITE

This article is part of the “Six of the Greatest” series profiling outstanding lawyers in Colorado history.



Byron White and John F. Kennedy at a University of Colorado vs. Air Force Academy football game on November 28, 1959.

Justice Byron White served his community, the country, and the legal profession in many different roles over the course of his life. He was a leading scholar at the University of Colorado and Yale Law School while setting records as an intercollegiate and professional athlete. He volunteered as a naval intelligence officer in the South Pacific during the Second World War, clerked for the chief justice of the U.S. Supreme Court, and returned to Denver as a hardworking and highly successful attorney in private practice. He was active in Colorado and national politics, state and local bar associations, and community

and nonprofit organizations. Called back to Washington with his family on being appointed to be the deputy attorney general of the United States, he then served as an associate justice of the U.S. Supreme Court for 31 years. And yet, with all his accomplishments, he never lost his modesty, his sense of humor, or his keen interest in and affection for his family, friends, and each new person that he met.

Beginnings

Byron Raymond White was born on June 8, 1917 in Fort Collins, Colorado. He was the second son of Alpha Albert (“Al”) White and Maude

Burger. Al’s father, Ephraim Godfrey White, grew up in Somerset County, Pennsylvania, fought in the Second Seminole and Mexican Wars, and settled as a farmer in Iowa, where he fathered 15 children.¹ Ephraim returned to Iowa after distinguished service with the 22nd Iowa Infantry Volunteers during the Civil War.²

Al White moved to Colorado from Audubon, Iowa in 1900 and worked as a sheep rancher and farmer in Ft. Morgan and Pueblo before starting a career in the lumber business in Fort Collins. He married Maude, who was also from Iowa, in 1904. In 1920, three years after Byron was born, Al and Maude moved with Byron and his older brother Clayton (“Sam”) to Wellington, where Al became the branch manager of a lumber supply company. Al served as Town Trustee and Mayor of Wellington in the early 1920s, when the population of the town was about 350. The Whites were active in the community, played tennis and bridge, and were avid fans of high school and college sports.

Sam and Byron played baseball, basketball, and football, and ran track. They swam in the irrigation ditches and fished the Poudre and Big Thompson Rivers with Al. They also worked unloading lumber, shoveling coal, maintaining the railroad, and harvesting sugar beets, which were the principal crop in the area.³ Byron started work in the beet fields when he was 7 or 8 years old for \$1.50 a day. When they were in high school, the boys rented 25 acres of land and contracted to bring in the beet crop. They hired other boys to help them block and thin the fields, hand-hoe the weeds, and harvest and top the beets. As Byron said many years

later, “There was very little money around Wellington, and I suppose you could say that by the normal standards of the day we were all quite poor, although we didn’t necessarily feel poor because everyone was more or less the same. Everybody worked for a living. Everybody.”⁴

Sam White graduated from Wellington High School in 1930. As valedictorian of his class, he received a full academic scholarship to the University of Colorado–Boulder (CU), where he played both football and basketball and earned all-conference honors. Four years later, Byron also graduated from Wellington with a “straight A ranking” and was named the most outstanding student and valedictorian in his class, which also earned him a full scholarship to CU. As he put it, “My folks had never gone through high school, but they always put going to school first, ahead of everything. I can’t remember when I first thought of going to college. My brother Sam was always going to go to college, and as far as I can remember I was, too.”⁵

College Student-Athlete

Byron continued to work hard in college. He lived in a rooming house his first year and pledged to Phi Gamma Delta, the same fraternity that Sam belonged to. He waited tables at a sorority to earn some money, and when he was through working at night, he went home to study. He later remarked, “I don’t think I thought any more about my grades in college than I had in high school. I guess I just got in the habit of working.”⁶ He was elected to Phi Beta Kappa in his junior year and served as president of the associated students in 1937–38. In addition to his academic pursuits, Byron continued to enjoy, and excel in, athletic competition. He won three varsity letters in football, four in basketball, and three in baseball. In 1937, he was selected as a member of the All-America football team and began to attract attention from the press, which nicknamed him “Whizzer.” He famously disliked both the attention and the name. During his final season, he was the leading ground-gainer and leading scorer in college football. He and his teammates were unbeaten and untied in the regular season, but lost to Rice in the Cotton Bowl. He was the runner-up (behind Yale quarterback Clint



Al, Sam, and Byron White circa 1924.

Frank) for the Heisman Trophy. In March 1938, the CU basketball team, with Byron as one of the leading scorers, advanced to the finals of the inaugural National Invitation Tournament at Madison Square Garden but were beaten by Temple.⁷ He graduated that year, ranking first in his class of 267 students.

The Pirates and the Lions

Byron continued to combine his academic and athletic interests after college. He was selected as a Rhodes Scholar in December 1937. Art Rooney, the owner of the Pittsburgh Pirates, had offered him the then unprecedented sum of \$15,000 to play football during the 1938 season and sent his player-coach Johnny Blood out to persuade him to join the team.⁸ Byron intended to decline the offer in favor of studying at Oxford University, but changed his mind when the Oxford authorities agreed that he could begin his studies in January 1939. Byron turned out to be a good investment for Rooney, albeit for a last-place team. He led the league in rushing with 567 yards. He spent the 1939 season studying in England and Europe, entered Yale Law School in October of 1939, and then took a semester off from law school in 1940 to play for the Detroit Lions, which had bought his contract from the Pirates. In 1940, he again led the league in rushing. He played for the Lions during the 1941 season, his last. He later observed that the money wasn’t the important aspect of football for him: “[W]hen the season

starts and the whistle blows you play for the same reason you always play games. You play to win.”⁹ In 1954, Byron was named to the National Football Hall of Fame. Today, the NFL Players Association annually recognizes players who “go above and beyond to perform community service in their team cities and hometowns” with the Byron “Whizzer” White Award.

Rhodes Scholar

After one season with the Pirates, Byron attended Oxford University as a Rhodes Scholar from January 1939 to October 1939, again following in the footsteps of his brother, Sam. On the advice of lawyer friends from Denver, he studied the English common law foundations of the American legal system. The Oxford academic schedule gave him a chance to travel in Europe, where during a stay in Germany he enjoyed “horsing around” with young German men and debating about the threat of war, which was on everyone’s mind. In Munich, he also spent a few evenings with John F. Kennedy, whom he had met earlier at the American Embassy in London during a Rhodes Scholar event hosted by Ambassador Joseph Kennedy.¹⁰ When the war started, all of the Rhodes Scholars were called back to England and then America.

Yale Law

Byron enrolled in Yale University Law School in October 1939. In 1940, he won the Edgar M. Cullen prize for the highest scholastic grades.¹¹ He was chosen for law review after his first year, but, as noted above, decided instead to take time off from school to play football for the Lions. He made up the courses that he missed by studying at CU the following summer. The United States’ entry into the war in December 1941 interrupted his legal studies, but after the war he returned to Yale and received an LL.B. degree magna cum laude on November 9, 1946 and was awarded the Order of the Coif. He also took a brief respite from the law to get married to Marion Lloyd Stearns, the daughter of CU President Robert L. Stearns, on June 15, 1946. Byron and Marion had been acquainted in Boulder, although she was four years his junior (sharing his birthday), and met again in San Francisco during the war, where Marion was

stationed as a Lieutenant in the WAVES (Women Accepted for Voluntary Emergency Service).

Byron's family originally sparked his interest in the law. His uncle, Charles Sumner White, was a lawyer in Audubon, Iowa, and Sam and Byron enjoyed visiting him with their parents. Byron said that his father, Al White, "was always interested in the law and would have made a fine lawyer himself. He used to like to discuss and argue all kinds of things with my brother and me." Byron observed that "Yale Law School was the most stimulating intellectual experience I had had up to that time. There was a fairly small enrollment and a relatively large staff, so you had a great opportunity to be exposed to some of the finest legal minds in the country." He was impressed by the legal realists on the Yale faculty: "[T]hey had a very exciting approach to the law and its relationship to the world around you. The law was interpreted in relation to the social and economic aspects of our society."¹²

Byron's Yale classmates would long remain an important part of his personal and professional life. Among them were Louis Oberdorfer (who became assistant attorney general for the Tax Division in the Kennedy Justice Department and a highly respected federal judge), Nicholas deB. Katzenbach (assistant attorney general for the Office of Legal Counsel and later attorney general in the Johnson administration), and Robert Harry (whom he recruited to join him at Lewis, Grant & Davis in Denver).

Service in the South Pacific

In July 1941, Byron attempted to join the Marine Corps, but was refused because he was color-blind. He applied to and was accepted by the Navy, which waived the color-blind requirement for intelligence officers. He served in the South Pacific for nearly four years. Among his many assignments was serving as intelligence officer to Boulder, Colorado native Admiral (then Commodore) Arleigh Burke, who commanded Destroyer Squadron 23, known as the "Little Beavers." Byron sailed with Burke on the *Charles S. Ausburne* and the aircraft carrier *Lexington*, and with Burke and Admiral Marc "Pete" Mitscher on the carriers *Bunker Hill* and *Enterprise*, both of which were heavily damaged in Japanese kamikaze attacks.

During the attack on the *Bunker Hill*, Byron and another intelligence officer, E. Calvert Cheston, were credited with fighting fires and pulling men to safety from below decks.¹³ He was awarded a Bronze Star and Presidential Unit Citation and was honorably discharged as a lieutenant commander in 1946.

Perhaps the best known of Lieutenant White's war experiences was his role in investigating the sinking of PT-109 in August 1943 and the subsequent rescue of its surviving crew by its captain, John F. Kennedy. White was one of two intelligence officers who authored the Navy's report on the incident, which gave rise to Kennedy's reputation as a war hero as well as questions about why the PT boat was hit by a Japanese destroyer in the first place. This encounter with Kennedy strengthened the relationship between the two men. Byron later said that Kennedy "proved himself to be very intelligent in the way he ran his boat, as well as cool and courageous under fire."¹⁴

Supreme Court Clerkship

Byron returned to Yale Law School after the war and finished his classes during the spring and summer of 1946. After Frederick M. Vinson was appointed chief justice in June, Byron secured an appointment as one of the new chief's two law clerks for the 1946-47 term. He commuted between Washington and New Haven for a couple of months before receiving his degree in November of that year. His tenure as a law clerk provided him with invaluable experience in both Supreme Court jurisprudence and the internal workings of the Court.

Practicing Law in Denver

On August 1, 1947, after finishing his clerkship, Byron became an associate attorney with the Denver firm of Newton, Davis & Henry. Shortly afterward, Quigg Newton was elected mayor of Denver and on September 1, 1947, the firm merged with Lewis & Grant to become Lewis, Grant, Newton, Davis & Henry with seven partners and two associates.¹⁵ At the time, it was one of the four largest firms in Denver.¹⁶ Byron eventually became a partner in the firm and practiced law there until January 1961.¹⁷ He recruited several other talented young lawyers

to join the growing firm, including Howard Rea and Robert Harry. Harry, a trial lawyer from New York, came in spite of Byron's candid description of Denver: "There isn't much litigation yet, but there will be. And there isn't much to Denver. All the houses are made of brick and look the same; there are only three good restaurants in town; and there are no trees. But it's a good practice and a good life."¹⁸

Byron later described his motivation for returning to Denver, instead of joining a larger firm in New York or Washington:

I think one of the reasons I wanted to go back to Denver was that it was growing so rapidly after the war. It seemed like an exciting thing to begin your career in a town that was growing that fast. In a small law firm you would be in a position to come to grips with a great variety of significant problems that you might never meet in a larger eastern firm. Also, living in a pleasant environment like Denver seemed a little more important to me than it had a few years earlier. I must have been getting old and soft.¹⁹

Byron's law practice was very broad, as was typical for most lawyers in Denver at the time.²⁰ He prepared title opinions, negotiated contracts, counseled clients in business transactions, became an expert in bankruptcy law and some aspects of tax law, and litigated a variety of cases.²¹ One of his first trial experiences was with Donald Stubbs in Montezuma County, Colorado, representing a subsidiary of El Paso Natural Gas Company in a contest over the ownership of a natural gas well in the Four Corners area.²² He was involved in a celebrated movie industry antitrust case²³ in which the firm was co-counsel with the legendary Thurman Arnold, who had been one of his professors at Yale Law School. Arnold relied on Byron for research and consultation.²⁴ His former partners described his legal research as "exhaustive and ironclad. His methods were somewhat unusual, however. Donald Stubbs refers to him as the only lawyer he ever knew who physically attacked a library. Richard Davis recalls that he gave new meaning to the term 'hit the books.'"²⁵

An example of Byron's transactional work was the acquisition of a grain company by the Colorado Milling and Elevator Company

one December. Byron and Donald Stubbs reportedly worked through Christmas Eve and into Christmas Day to get the deal done.²⁶ He assisted the bankruptcy trustee for the Victor American Fuel Company, one of Colorado's landmark coal companies, in a bankruptcy reorganization.²⁷ He represented mining and real estate companies in a wide variety of matters, helped restaurant owners with zoning problems, counseled pre-mix concrete owners on antitrust issues, and assisted banks in negotiating and collecting livestock and equipment loans.²⁸ Other clients included the minerals exploration and hard rock mining company Leadville Lead Corporation; Beatrice Foods Company, which retained him as regional counsel for its dairy and cold storage operations; Hackstaff Lumber Company; Burt Chevrolet; Waukesha Oilfield Supply Company; many farmers and ranchers; and several national companies, including IBM and DuPont.²⁹

Don Hoagland recounted a tale told by Byron's father-in-law, Robert L. Stearns, about Byron's first criminal case. Byron "was to represent the owner of a gin mill on Skid Row in a criminal charge for having passed a bad check. He showed his talent as a defense lawyer by winning the case. His client thanked him sincerely and handed him a check in payment for his hard work, but that one turned out to be a bad check too."³⁰

Byron and Marion were active in the Denver community. Byron was involved with a variety of organizations, including the Social Science Foundation at Denver University, Boy Scouts of America, Urban League, Denver Welfare Council, YMCA, Denver Chamber of Commerce, Denver and Colorado Bar Associations, Rhodes Trust, and several charities, principally the United Fund, Camp Chief Ouray for Children, and Rose Memorial Hospital.³¹ Marion was also heavily involved in community organizations. She was a board member of the State Historical Society, the Parent Teacher Association, and the Junior League.

Byron remained active in athletics in this period of life as well. He was a season-ticket holder for CU football games and a recruiter for the football program.³² He played squash, which he had learned at Yale, tennis, and ping-



1

1 The White family fishing in Wyoming in the 1970s.

2 On the bench during a Detroit Lions game.



2

pong, although he was no match for Marion, who had been the Boulder city table tennis champion while she was in high school. He and Marion were avid skiers and enjoyed skiing in Aspen with Byron's law partner, Dick Davis, and other friends. They were also passionate about fly-fishing, as were both of their fathers, Bob Stearns and Al White. Every summer they and their children, Charles and Nancy, would

Local Politics

Byron became active in local politics as soon as he arrived in Denver. He served as a precinct committeeman every year for several years and as a ward captain in the Democratic Party after that. He later noted, "Every year after 1947 I worked on someone's committee. It might have been a judge, a candidate for the state legislature or someone running for local office."³³ Although he rebuffed efforts by the Democratic Party to recruit him to run for office,³⁴ he firmly believed that every citizen had a duty to become engaged in the political process: "When people turn up their noses at politics, it's a great mistake. It merely serves to perpetuate the very thing that people criticize in politics—that it's a dirty business. Everyone in this country has an obligation to take part in politics. That's the foundation, the most important principle, on which our system is

built. If our system is to work, people must intelligently elect their representatives in the legislatures and the Congress and their local government. And the best way to do it is to get their feet wet in politics.”³⁵

In 1959, Byron began to focus on the upcoming presidential election and decided that he would support Jack Kennedy, whom he had known at Oxford and during the war. He agreed to lead the Colorado Committee for Kennedy before the 1960 Democratic Convention and after the convention, at Robert Kennedy’s request, to head up the national Citizens for Kennedy Committee. As he explained to his friends, “How many people do you know well who ask you to help them become president of the United States?”³⁶

Kennedy Justice Department

Byron was appointed deputy attorney general by President Kennedy on January 24, 1961. That was a key appointment for the President, given concerns that his youthful attorney general, Robert Kennedy, needed the experience, legal expertise, and judgment of a seasoned lawyer to put together and run the Department of Justice.³⁷ Byron’s initial task was to fill the leadership positions in the Department. He relied in great part on his law school and professional relationships in assembling an exceptional team: Solicitor General Archibald Cox and assistant Attorneys General Burke Marshall (Civil Rights Division), Louis Oberdorfer (Tax Division), William Orrick (Civil Division), Herbert J. Miller (Criminal Division), and Nicholas Katzenbach (Office of Legal Counsel). He selected Joe Dolan from Colorado to be his assistant deputy attorney general. Another important job for Byron, as reported by *The New York Times*, was finding a place to exercise. Byron and Bobby Kennedy, who were known to throw a football back and forth in the Attorney General’s office while discussing legal affairs, startled a Department employee while they were walking around the building one evening. “Anything I can do for you?” he asked suspiciously. “Yes,” replied the younger of the two strangers. “I’m Bob Kennedy and this is Mr. White. We’re looking for a gym.”³⁸

As deputy attorney general, Byron was responsible for Congressional relations, leg-

islation, recommending judicial nominations, and general oversight of the Department. In 1961 and 1962, he became heavily involved in the growing civil rights crisis in the South. In May 1961, violence erupted in Birmingham and Montgomery, Alabama, as a consequence of the “Freedom Rides” of racially integrated public buses. Byron worked on-site in Alabama during the crisis, supervising the 400 U.S. Marshals and Deputies who were sent to maintain law and order and negotiating with Governor Patterson and civil rights leaders to minimize the risk of physical violence.³⁹ Byron described a tense meeting with Patterson this way: “There were strong words spoken strongly.” In discussing with John Doar, the first assistant in the Civil Rights Division, how his small group of federal officers would enforce order, he remarked: “This is how you are measured. This will test us.”⁴⁰

U.S. Supreme Court Justice

On March 30, 1962, President Kennedy nominated Byron to succeed Justice Charles Whittaker as a justice of the Supreme Court. Following a 90-minute hearing before the Senate Judiciary Committee, during which Senator Philip Hart remarked that “this is the first appointment of a player of the Detroit Lions to the Supreme Court,” the Senate confirmed the nominee by voice vote.⁴¹ Byron took the oath of office on April 16, 1962. He served for 31 years until his retirement on June 28, 1993.

Byron and Marion made the most of their time in Washington, frequently visiting the National Gallery of Art, attending the symphony and ballet, ballroom dancing with local waltz groups, and exploring the woods around their Virginia home. They made regular trips back to Colorado to ski, fish, and visit family and friends.

Much has been written, of course, about Justice White’s judicial philosophy.⁴² A discussion of those issues is far beyond the scope of this article. He authored almost a thousand published opinions in the exercise of what he described as his duty “to decide cases.”⁴³ He mentored 99 law clerks,⁴⁴ who went on to notable careers in private practice, business, government, academia, and the judiciary (including the newest Supreme Court justice from Colorado). His law clerks recall his daunting work ethic, his unwavering

support for their careers and families, his warm sense of humor, and his fondness for relaxing during long hours in chambers with friendly competition like putting golf balls across the office carpet or trading elbows on the Supreme Court’s basketball court, known as “the highest court in the land.” His new acquaintances and colleagues were often startled by the iron grip of his handshake, a product of his beet farming and football carrying days. Justice Sandra Day O’Connor was fond of saying that she would simply grab his thumb when the members of the Court greeted each other to head off a painful encounter.

One of his law clerks during the 1991 term, David Frederick, wrote after Justice White’s retirement:

Being non-ideological and non-doctrinaire is clearly very important to White, just as is being his own person and not worrying about his place in history. He recognizes that being a justice who believes in a more limited Constitution is not the way to gain historical notoriety. Whether it’s because he gained such fame as a young man in sports or whether it’s just his natural disposition, I think he cares a lot more about doing what he thinks is right than whether it will make him a famous figure in history.⁴⁵

Senior Tenth Circuit Judge David Ebel, a clerk during the 1965 term, recalls how the Justice’s curiosity and compassion for others intersected with his own self-effacing modesty. While walking down 17th Street together one day, they visited Kuhlberg Jewelers so that Byron could shop for a gift for Marion. As he often did when he first met someone, Byron engaged Mrs. Kuhlberg in a long conversation about her, her family, and the long tradition of the store, as well as the history, techniques, and detail of the jewelry on display. At some point, she decided to turn the tables on him and she asked him who he was. His response was simply to say that he worked for the government. Putting his hand on Judge Ebel’s shoulder, he said, “But *he’s* a federal judge!”

Retirement


Byron announced his intention to retire at the end of the 1992–93 term of Court in a March

19, 1993 letter to President Clinton, in which he said: “It has been an interesting and exciting experience to serve on the Court. But after 31 years, Marion and I think that someone else should be permitted to have a like experience.”⁴⁶ That sentiment was consistent with the view that he had shared with friends and family: that it was important for younger judges, with new and different perspectives, to have an opportunity to decide the cases coming before the Court. When asked by Jim Scarborough, a clerk from the 1971 term and longtime Denver lawyer, why he did not stay on the Court for a few more years and beat the record for longevity set by Justice Douglas, Byron responded, “The record means more to Douglas than it does to me.”

Byron’s dry sense of humor was evident in a June 28, 1993 letter to his colleagues, in which he wrote:

Since I remain a federal judge and will likely sit on Courts of Appeals from time to time, it will be necessary for me to follow the Court’s work. No longer will I be able to agree or dissent from a Court’s opinion. Hence, like any other Court of Appeals judge, I hope the Court’s mandates will be clear, crisp, and leave those of us below with as little room as possible for disagreement about their meaning.⁴⁷

After retiring from active duty on the Supreme Court, Byron maintained an office in the Thurgood Marshall Federal Judiciary Building, sat with the Courts of Appeals in several circuits, and served on the Commission on Structural Alternatives for the Federal Courts of Appeals. He also maintained an office in the Byron White Courthouse in Denver, which is the home of the Tenth Circuit and hosts an exhibit of his

personal and professional life. He and Marion fulfilled a long-standing promise to each other and moved back to Denver in 2000, the year in which he was honored as the Citizen of the West by the National Western Stock Show. He very much enjoyed returning home, walking down 17th Street, and meeting old friends. He died on April 15, 2002 at the age of 84. President George W. Bush posthumously awarded him the Presidential Medal of Freedom in 2003. 

Charles Byron (“Barney”) White is senior counsel at Petros & White, LLC, where he practices water rights and public land law. He and his sister Nancy Lippe are the children of Byron and Marion White.

NOTES

1. Hutchinson, *The Man Who Once Was Whizzer White: A Portrait of Justice Byron R. White* 14 (Free Press 1998). Professor Hutchinson was a law clerk to Justice White in the 1975-76 Supreme Court term. The author is indebted to Professor Hutchinson for his careful scholarship, which provides a foundation for much of this article.
2. Pryce, *Vanishing Footprints: The Twenty-Second Iowa Volunteer Infantry in the Civil War* (Press of the Camp Pope Bookshop 2008).
3. Hutchinson, *supra* note 1 at 18.
4. Wright, “A Modest All-American Who Sits on the Highest Bench,” *Sports Illustrated* 86 (Dec. 10, 1962).
5. *Id.*
6. *Id.* at 90.
7. *Id.*
8. Hutchinson, *supra* note 1 at 86.
9. Wright, *supra* note 4 at 91.
10. *Id.*
11. *Id.*
12. *Id.* at 89, 92.
13. Hutchinson, *supra* note 1 at 190-91.
14. Wright, *supra* note 4 at 92.
15. Davis, Graham & Stubbs, “History of the Firm (1915-1975)” at 34.
16. Hoagland, “Byron White as a Practicing Lawyer in Colorado,” 58 *U. Colo. L.Rev.* 365 (1987).
17. In 1956, the firm was reorganized as Lewis, Grant & Davis. Davis, Graham & Stubbs, *supra* note 15 at 34.
18. Hutchinson, *supra* note 1 at 226.

19. Wright, *supra* note 4 at 96.
20. For descriptions of law practice in Denver in the 1950s, see Gabriel, “Civil Litigation in Colorado: A Look Back and a Look Around,” 26 *Colorado Lawyer* 115 (June 1997).
21. Reported court decisions in which Byron White was an attorney of record include: *Craig v. Hunter*, 167 F.2d 721 (10th Cir. 1948); *E.I. DuPont De Nemours & Co. v. Cudd*, 176 F.2d 855 (10th Cir. 1949); *McIntyre v. Dower*, 213 P.2d 834 (Colo. 1949); *W. Air Lines, Inc. v. Hollenbeck*, 235 P.2d 792 (Colo. 1951); *George v. Dower*, 240 P.2d 897 (Colo. 1951); *J.J. Sugarman Co. v. Davis*, 203 F.2d 931 (10th Cir. 1953); *State v. Newton*, 300 P.2d 527 (Colo. 1956); *Color. v. American Mach. & Foundry Co.*, 143 F.Supp. 703 (D.Colo. 1956). Harry, “Byron White: The Practicing Lawyer” at 4, n. 4 (Davis Graham & Stubbs LLP 2003.)
22. Hoagland, *supra* note 16 at 366.
23. *Loew’s, Inc. v. Cinema Amusements, Inc.*, 210 F.2d 86 (10th Cir. 1954).
24. Hoagland, *supra* note 16 at 366.
25. *Id.*
26. *Id.* at 367.
27. *Id.*
28. *Id.* at 369.
29. Harry, *supra* note 21 at 2. Harry was the president of the Historical Society for the Tenth Judicial Circuit, senior of counsel to Davis, Graham & Stubbs, LLP, and a partner in its predecessor firms. He and Byron White began a lifelong friendship in 1939, when both matriculated at Yale Law School. They practiced law together in Denver from 1953 to 1961.

30. Hoagland, *supra* note 16 at 368-69.
31. Hutchinson, *supra* note 1 at 227.
32. *Id.* at 229.
33. Wright, *supra* note 4 at 96.
34. Hutchinson, *supra* note 1 at 231.
35. Wright, *supra* note 4 at 96.
36. Hoagland, *supra* note 16 at 368.
37. Katzenbach, “Byron White’s Appointment to the Supreme Court,” 58 *U. Colo. L.Rev.* 429 (1987).
38. Hutchinson, *supra* note 1 at 270.
39. Katzenbach, *supra* note 37 at 430.
40. Hutchinson, *supra* note 1 at 278.
41. *Id.* at 330.
42. See, e.g., Hutchinson, *supra* note 1; Frederick, “Justice White and the Virtues of Modesty,” 55 *Stan. L.Rev.* 21 (2002); Griswold, “Reflections on Justice White,” 58 *U. Colo. L.Rev.* 339 (1987); Nelson, “Justice Byron R. White: A Modern Federalist and a New Deal Liberal,” 1994 *BYU L.Rev.* 313 (1994); Stith, “Byron R. White: Last of the New Deal Liberals,” 103 *Yale L.J.* 19 (1993).
43. Scaturro, “The Unjustly Forgotten Legacy of Byron White,” *The New York Times* (Mar. 30, 2017).
44. [https://en.wikipedia.org/wiki/List_of_law_clerks_of_the_Supreme_Court_of_the_United_States_\(Seat_6\)](https://en.wikipedia.org/wiki/List_of_law_clerks_of_the_Supreme_Court_of_the_United_States_(Seat_6)).
45. Hutchinson, *supra* note 1 at 457.
46. *Id.* at 438.
47. *Id.* at 439.